

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 363

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO GENERAL WELFARE; LIMITING PERMISSIBLE USES OF
SOCIAL SECURITY IDENTIFICATION NUMBERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 57-12B-1 NMSA 1978 (being Laws 2003,
Chapter 169, Section 1) is amended to read:

"57-12B-1. SHORT TITLE.--~~[Sections 1 through 3 of this
act]~~ Chapter 57, Article 12B NMSA 1978 may be cited as the
"Privacy Protection Act"."

Section 2. A new section of the Privacy Protection Act is
enacted to read:

"[NEW MATERIAL] USE OF SOCIAL SECURITY NUMBERS
RESTRICTED--EXCEPTIONS.--

A. Except as provided in Subsection B of this
section, a business shall not:

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underscoring material = new
[bracketed material] = delete

1 (1) make the entirety of a social security
2 number available to the general public. This prohibition
3 includes:

4 (a) intentionally communicating a social
5 security number to the general public; and

6 (b) printing a social security number on
7 a receipt issued for the purchase of products or services,
8 including a receipt for the purchase of services from the state
9 or its political subdivisions;

10 (2) require the use of a social security
11 number:

12 (a) over the internet without a secure
13 connection or encryption security; or

14 (b) to access an internet account unless
15 a password or unique personal identification number or other
16 personal authentication device is also required to access the
17 account;

18 (3) print a social security number on
19 materials mailed to a consumer unless authorized or required by
20 federal law or a state law other than the Privacy Protection
21 Act; provided that nothing in this paragraph prohibits a
22 business from requiring a consumer, as part of an application
23 or enrollment process, or to establish, amend or terminate an
24 account, contract or policy, or to confirm the accuracy of the
25 social security number, to enter a social security number on

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1 material to be mailed by the consumer as long as it is not
2 required to be entered, in whole or in part:

3 (a) on a postcard or other mailer not
4 requiring an envelope;

5 (b) on the envelope; or

6 (c) in any other manner in which the
7 number may be visible without the envelope being opened;

8 (4) transmit material that associates a social
9 security number with an account number for a bank, savings and
10 loan association or credit union, unless both numbers are
11 required as part of an application or enrollment process or to
12 establish, amend or terminate an account, contract or policy or
13 to confirm the accuracy of the social security, bank, savings
14 and loan association or credit union account number; or

15 (5) refuse to transact business because of a
16 refusal to provide the social security number if the social
17 security number will be used in a manner prohibited by
18 Paragraphs (1) through (4) of this subsection.

19 B. The provisions of Subsection A of this section
20 do not apply to:

21 (1) the use of a social security number by a
22 business if the social security number:

23 (a) was furnished for a document
24 generated prior to January 1, 2006 and the business is copying
25 or reproducing that document; or

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1 (b) exists on an original document
2 generated prior to January 1, 2006;

3 (2) the collection, use or release of a social
4 security number by a business if the business complies with
5 Subsection D of Section 57-12B-3 NMSA 1978 and if the
6 collection, use or release:

7 (a) is part of an application or
8 enrollment process or is used to establish, amend or terminate
9 an account;

10 (b) is required or authorized by federal
11 law or a state law other than the Privacy Protection Act; or

12 (c) is for internal verification or
13 administrative purposes; or

14 (3) documents that are filed in court or
15 public records or documents recorded in public records or
16 required to be open to the public under federal law, state law
17 other than the Privacy Protection Act, applicable case law,
18 supreme court rule or the constitution of New Mexico."

19 Section 3. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is January 1, 2006.